MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

The motion was carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now beg to move that the Bill as amended be passed.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

PRESIDENT: Is it the pleasure of the House that the Bill be passed?

The Bill was passed.

THE TRAVANCORE EDAVAGAI BILL.

PRESIDENT: The next item in the programme is the second reading of the Travancore Edavagai Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the report of the Select Committee on the Travancore Edavagai Bill and beg to move that the Bill as reported be taken into consideration.

MR. R M. STATHAM (*Director of Public Instruction*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have given notice of amendments.

PRESIDENT: The first amendment is that it should be recommitted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I move for the recommittal of the Bill as redrafted by the Select Committee. The majority of the Select Committee admit the fact that they have made changes so very minute and so very far-reaching that it was not possible for them to publish the report of the Select Committee in the specified form. But I do not agree with the statement of the majority of the Select Committee that the changes made are changes in mere details. They are fundamental changes of principles; and the Bill, as it is presented, contains principles which where not accepted by this House at its first reading. When the Travancore Edavagai Bill was first read in this House, the principle, as has been explained by the Law Member, was that it was intended to give permanent occupancy right to the tenants. From all the explanations and from all the understandings that we could gather from the discussion of the Bill at its first reading, the most important principle that has been before this House and accepted by this House was that the tenant should be given permanent occupancy right. Now the question before the House is whether the Bill, as it is redrafted by the Select Committee, presents that principle. I submit 'not' because in the new Bill—pardon me for calling it like that—we find that the most anxious consideration has not been that the tenants should be given permanent occupancy right but that *taravila* should be realised from the tenants. That seems to be the primary concern as seen from the Bill as redrafted by the majority of the Committee. Sir, I contend that is a violent change in principle.

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Whether that change is good or bad, I am not at present going to explain or argue upon. It will be enough for my purpose for the recommittal of the Bill to point out that it has been an important change. It has been a fundamental change. It has been a change in the principles of the Bill itself. That fact is borne out by a cursory perusal of the Bill as redrafted by the majority of the Select Committee.

Another point is that the Select Committee has taken 17 sittings to redraft the Bill and they say they have gone thoroughly into the Bill and that they made very many innovations. But so far as we are concerned, I think, the Bill as presented to the House cannot be recognised as the original Bill that was sent to the Select Committee.

Another principle of vital importance is this. The original intention when the Bill was introduced in this House was to have a consolidated legislation for the Edavagais of Edapalli, Kilimanur, Varjipuzha, Poonjar and other Edavagais which may be availed of by all these Edavagais irrespective of their size or other considerations, and to repeal the Rent Recovery Regulation which applied to Edapalli and Kilimanur alone. Again, Sir, I do not at present say whether that change has been good or bad: but I say again it is a fundamental change, an inroad into the accepted principles of the Bill. When we are convinced that the Select Committee has gone too far and effected such far-reaching changes of such far-reaching consequences, I think this House has got a right to ask that the Bill be scrutinised by another Select Committee. Certain provisions they have not explained. Why it is inconvenient to include similar Edavagais they have not explained. The report says that there may be instances of similar Edavagais where the application of these rules may create confusion. They ought to give us a more definite reply to that. If it is inconvenient, they ought to say how it is inconvenient. There has been a lot of criticism that Edapalli and Kilimanur have been left out from the application of the provisions of this Bill. There has been complaint on that and there has been complaint from similar Edavagais that they are not allowed to get the benefit which these Edavagais are going to get. When benefit is going to be conferred on one set of Edavagais, I think it should not be denied to certain other Edavagais simply because they are small. They will find it difficult to introduce another Bill for their own Edavagais and get it passed.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): May I know from the member how many such small Edavagais there are?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The fact is admitted that there are similar Edavagais of smaller size.

PRESIDENT: The member will address the Chair.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member whether Edapalli and Kilimanur are called Edavagais or only Estates?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): In this Bill they are called Estates. But I do not think by that they forfeit the right of being Edavagais.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member whether they are called Edavagais in any other Regulation or in any other Government publication?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): They may be called Estates for the purpose of the Rent Recovery Regulation. In the draft Bill they were called Edavagais. That is a change that has been introduced into this and perhaps it may be for obvious reasons because of certain provisions of this Bill as it is redrafted apply only to Edavagais But in the Rent Recovery Regulation they are called Estates, and that is the reason for retaining the term Estates.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): May I know whether the member finds any difference in significance between the terms Estates and Edavagais?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I think the significance or otherwise in the name is a matter of sentiment and I do feel that some people interested in the Edavagais of Kilimanur and Edapalli would feel that they are slighted when they are called Estates as distinct from Poonjar and Vanjipuzha.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Is there any difference in the legal understanding between the two?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I cannot give a definite answer to that because I am not sure of it.

Sir, under these circumstances, I think it will not be safe to take this Bill into consideration as it is. The dissenting minutes show that there are many serious innovations made and in the interests of safe and good legislation, the matter as redrafted by the Select Committee should be scrutinised further and it will also help to secure the easy passage of the Bill without much discussion in this House.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will it not be sufficient if the whole thing is discussed on the floor of this House?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I think it will be difficult because there have been changes of principles. It will be very convenient to go into details of the drafting of the Bill in a Select Committee rather than in a large House like this. I think it will serve the purpose of all concerned if the Bill is scrutinised and if more information is got with regard to certain matters which are left in doubt and if it is possible to arrive at a greater common measure of agreement between the tenants who are seriously affected and the Edavagais who stand permanently to benefit by the present drafting of the Bill. It will be more in the interest of safe legislation that this Bill as redrafted is recommitted and scrutinised by a smaller body and presented to this House for consideration in the second reading. With these words, I move that the Bill as redrafted by the Committee be recommitted.

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MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I second Mr. Kunjukrishna Pillai. I was myself a member of the Select Committee and I have in a general way stated my reasons in the dissenting minute submitted by me along with the majority report of the Committee. As has been stated here by Mr. Kunjukrishna Pillai, the original idea was to have one piece of legislation applicable to all the Edavagais. Before going into the merits of the matter and before considering any of the details of the question, I hope it will be conceded that the law applicable to these Edavagais should be the same. There should be, in justice and fairness, and as a matter of expediency and policy, no distinction in the treatment accorded to the subjects of the various Edavagais and to the facilities and powers conferred upon the Chiefs of those Edavagais. That was a principle that was patent on the face of the original Bill as it was introduced and the statement of objects and reasons specifically mentioned it.

But in the Select Committee things took such a turn that it was thought necessary to give a differential treatment to Poonjar and Vanjipuzha from that accorded to Kilimanur and Edappalli when the latter Edavagais were settled. Reference was made here to the two terms *Estates* and *Edavagais* and questions were asked as to whether there are Government records in which Kilimanur and Edappalli have been referred to as Edavagais. There are Government publications and records where Kilimanur and Edappalli are referred to as Edavagais, and the distinction now made in the Select Committee's Bill between Estates and Edavagais, in calling Kilimanur and Edappalli Estates and Poonjar and Vanjipuzha Edavagais has been occasioned by the fact that the Select Committee in its decisions took the view that these Estates should be differently treated. That arose in this way. There is already a Regulation, Regulation IV of 1068, applicable to Kilimanur and Edappalli. In that Regulation these two Edavagais have been called Estates. I do not quarrel with the term Estate or Edavagai but to me it appears that there should be no distinction between the nomenclature applied to these Edavagais and that applied to the others.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member suggest that by the recommittal alone could these deficiencies be rectified?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I expect the Law Member to wait till I have made my speech. Certainly I should have very much missed the object of my language if that was the impression produced by what I have said. I am at the point that these Estates should be treated alike and that they should be called alike. Why should we call one person a man and the other an ass, if the latter is also a man? There is the Regulation, IV of 1068, applicable to Kilimanur and Edappalli. Now the new Bill has been called the Edavagai Bill. Because a distinction was found necessary the term Estate

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was retained for Kilimanur and Edappalli and the other two are called Edavagais, though there is no substantial difference in the nature of these Edavagais or these estates.

Now I was at the point that the object of the original Bill was to treat all these Edavagais alike as far as possible. That object has been defeated by the provisions which have been adopted by the Select Committee. Now a different treatment is sought to be accorded to the Edavagais of Poonjar and Vanjipuzha from that accorded to Kilimanur and Edappalli. The Rent Recovery Regulation, IV of 1068, declared that the tenants or land-holders in the latter Edavagais shall have permanent rights of occupancy in respect of their holdings as holders of land under the Government. That was thus a declaration that conferred the rights of permanent occupancy on the holders of land in Kilimanur and Edappalli. Now the present Bill in its objects and reasons says: "The Chief of Vanjipuzha has all along been agitating to have his Edavagais settled. The Chief has no objection to confer permanent rights of occupancy upon his tenants. The same may be said to be the case with Poonjar. The present legislation is therefore undertaken with a view to confer upon the tenants of Poonjar and Vanjipuzha Edavagais permanent rights of occupancy as in the case of Edappalli and Kilimanur". So the object of the Bill mainly was to confer upon the tenants of Poonjar and Vanjipuzha permanent rights of occupancy as was done in the case of the tenants of Kilimanur and Edappalli. Then coming to the provisions in the original Bill the two main provisions relating to this aspect of the matter are these. One clause says that the rents payable to the Chiefs in these Edavagais shall be settled. That is one provision. The other provision is that, when the rents are settled, the tenants shall have permanent rights of occupancy, transferable and heritable as in the case of the holders of land under Government. Now Sir, I put the question whether it was not the clear intention of the original Bill to treat the tenants of Poonjar and Vanjipuzha in the same way as the tenants of Kilimanur and Edappalli and to confer upon the tenants of Poonjar and Vanjipuzha the same rights of permanent occupancy as was done in the case of the tenants in Kilimanur and Edappalli. That was the object of the Bill. Now what is it that the Select Committee has done? As my friend Mr. Kunjukrishna Pillai stated, they do not propose to confer permanent rights of occupancy upon the tenants. They have made a provision which in effect means that the lands in the possession of these land-holders will be sold to them. Now, Sir, in the case of Kilimanur and Edappalli, when permanent rights of occupancy were conferred upon the land-holders, no price was taken for the lands from them, even though they could have been ousted before that. The fact that they were land-holders was itself taken to be the basis for the conferment of permanent occupancy rights on them and that was sought to be done by the original Bill here in respect of the tenants of Poonjar and Vanjipuzha. The Select Committee has ignored that object of the Bill and has provided

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that these lands will be sold for a price to the land-holders. Sir, from the history of legislation relating to similar matters in Travancore, from the way in which Government have dealt with land-holders, it will be clear that the provision in the original Bill was in accordance with what has been done in the past, and that was what the people were expected to believe. In the year 1040 was issued the Royal Proclamation conferring permanent rights of occupancy on *Venpattom* tenants who hold lands under the Sirkar. No price was taken for the lands in the possession of tenants in Kilimanur and Edappalli in 1068 when rights of permanent occupancy were conferred on them. The fact that they were tenants was enough. By way of analogy, I may refer to the fact that persons who held lands under *Jenmies*, though they had no right of permanent occupancy before, had permanent occupancy rights conferred on them by the Proclamation of 1042 and this right was affirmed by the Regulation of 1071. The history of tenancy legislation in Travancore has been to this effect and that was what was sought to be done by the original Bill and that was just and proper, fair and equitable and expedient. So it may be seen that the original Bill merely made provision to confer permanent occupancy rights on the tenants and to settle the rents. Nothing more had to be done. But in the Select Committee the idea of selling the lands for a price was brought in with the result that a large number of complicated provisions have been found necessary in the Bill.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was there a difference in the treatment accorded to tenants under Edappalli and those under Poonjar, because it was suggested that in this Bill the idea was to sell lands to tenants holding such lands? Is there not a provision in the Bill that tenants holding lands under deeds need not pay any *taravila*?

MR. A. THANU PILLAI (*Trivandrum-Rural*): The question is not quite clear.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): It would seem from the arguments advanced by Mr. Thanu Pillai that the tenants under Poonjar were asked to pay for every inch of land occupied by them. But what I understand is they are not asked to pay *taravila* in respect of lands which they hold under some deeds from the Chiefs.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I am glad, I am now given an opportunity to explain the matter further. Evidently my friend Mr. Krishna Pillai has not correctly understood me or I was not quite clear in my language. What I meant to say was this. I have all along been saying that the Proclamation of 1040 conferred permanent rights of occupancy on *Venpattom* tenants who held land under the Sirkar. The same thing was done in 1068 in the case of Edappalli and Kilimanur. Now my friend is referring to a provision in the Select Committee's Bill which no doubt recognises the rights of permanent occupancy already vested in certain land-holders. In these Edavagais, lands are held under different tenures. The Chiefs have sold some of their lands to other persons who purchased

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them for a price, and the Chiefs may also have granted lands on *inam*. Now the rights of these tenants in respect of these lands are not to be taken away by the Select Committee's Bill. Of course I concede that the Select Committee was not mad enough to do that. When I refer to conferring permanent occupancy rights, Sir, that can only apply, so far as the legal mind is concerned, to a person who is not already in enjoyment of permanent occupancy rights.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*) : On a point of order, Sir, may I ask whether the member was justified in saying that the Select Committee was not mad enough to do that. It is an insinuation and therefore I raise the point of order.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, it was far from my mind to insinuate anything. What I meant to say was and I still maintain that it would be madness to think of conferring permanent occupancy rights on persons who already have such rights.

PRESIDENT : The honourable member himself was a member of that Committee. (*Laughter*).

MR. E. V. KRISHNA PILLAI (*Paittanamtitta*) : Is it the suggestion of the member that in any Edavagai permanent occupancy rights were conferred upon trespassers, people who have encroached upon lands without any deed in support of their occupation ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, till now I did not refer to anything relating to trespassers. I mentioned only the tenants and land-holders and I do not think these expressions include trespassers. Well, Sir, I am sorry I am made to take up much more time than I wanted, on account of interruptions.

PRESIDENT : I shall save you from further attacks.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Thank you, Sir. I was talking of tenants who had not acquired permanent rights of occupancy from the Chiefs. So far as the persons who had acquired permanent rights of occupancy in respect of their holdings are concerned, I concede that the Select Committee did not take away such rights. I have no quarrel so far as that is concerned. I am concerned with the cases where there is occasion for conferring permanent rights of occupancy. When a Bill says that the tenants in these Edavagais will be given permanent occupancy rights in respect of their holdings, it can only mean that the tenants who do not already enjoy permanent occupancy rights but who are holders of lands in these Edavagais will be given such rights. It was such tenants who held lands under Government and in the estates of Kilimanur and Edappalli that were given permanent occupancy rights in 1040 and 1068. The Select Committee has now, as I said, decided upon recommending certain provisions which are to the effect that these *Kenpattom* tenants who have not already got permanent occupancy rights will be given such rights only in case they pay a price for the lands they hold. That, I say, is a deviation from the principle of the original Bill. It is objectionable in

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many ways. It goes against the history of similar legislation in the State. It goes against what has been done in the case of Sirkar lands and Kilimanur and Edappalli lands and there can be absolutely no justification for that so far as I can see.

In one of the meetings of the Select Committee, we were given to understand that one of these Edavagais was granted to the Chief about the year 981. Suppose that had not been done and the tenants had been holding the lands under the Sirkar. What would have happened? The tenants would have got these lands at the time of the settlement on the basis of their being the holders of the lands. That was so in the case of the other two Edavagais, namely, Edappalli and Kilimanur. What justification is there, I ask, for deviating from that now? Sir, even at the Select Committee stage, some of my friends asked me, "Why do you insist on the lands being given away permanently without payment of any price to the real owners of the lands?" Sir, that question reveals utter ignorance of tenancy legislation both here and elsewhere. Sir, it is a well-known principle that tenants should be enabled to have permanent occupancy rights. That is accepted throughout the world. While, in 1068, such rights were granted to the tenants of the Kilimanur and the Edappalli Edavagais, is it not startling that now, forty years after, it is suggested that the tenants in the other two Edavagais must be asked to pay *taravila* to the Chiefs in order to get permanent occupancy rights? Sir, the tendency of tenancy legislation, throughout the world, has been towards giving permanent occupancy rights to the tenant. So recently as 1930, in the case of Malabar, that was done in respect of *verpattom* tenants. The tendency of legislation in British India has been such as to confer on the tenants permanent occupancy rights.

There is also one other aspect of the matter to which I would like to refer. The non-official members, at any rate, are unanimously agreed as to the pressing need for granting at least 50 per cent. remission of land tax due to Government. That shows the poverty in the country on account of the economic depression. From what I was able to understand from the representative of the Poonjar Edavagai, at the Select Committee, the rent now levied there is only about half a rupee per acre on an average. As a result of the proposed settlement, it is likely to be raised to about one and a half or two rupees per acre. In addition to this increased rent, the Select Committee has recommended a further payment by the tenant in order to get permanent occupancy rights. Sir, is this the time for that? Certainly not. I repeat that, on principle, the proposal of the Select Committee is wrong even apart from the present condition of the people. Therefore, Sir, the provision in the original Bill, the statement of objects and reasons, the history of similar legislation in this State, the tendency of tenancy legislation everywhere, the present economic depression and above all the duty of this House to safeguard the interests of the poor ryot in the country, all these lead to the irresistible conclusion that the recommendation of the Select Committee should be vetoed by this House and the Bill recommitted."

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Then, Sir, in regard to the settlement of the lands in the Edappalli and Kilimanur Edavagais, the principle followed was exactly the same as in the case of Sirkar lands. Now, according to the recommendation of the Select Committee, there will be no uniformity even as regards the Edavagais themselves in respect of this matter. As far as possible, should we not adopt, in the case of the Poonjar and Vanjipuzha Edavagais, the same rules as were adopted in the case of Kilimanur and Edappalli? The principle of securing that uniformity has been violated by the Select Committee. On that ground also, the Bill should go back to the Select Committee. This difference of treatment we find also in regard to the powers conferred on the Chiefs and the facilities afforded to them for collecting the rent. Sir, in the 1068 Regulation, there is the provision that the powers under the Revenue Recovery Regulation may be made applicable for the recovery of the dues to the Chiefs of Edappalli and Kilimanur. But, even the Legislature of those days—it was, I believe, entirely or mostly composed of officials—thought it necessary to safeguard the interests of the tenants by providing that such powers under the Revenue Recovery Regulation could be exercised only by the officers of Government. The Regulation clearly states "by Our officers", so that only Government officers, *acting as Government officers*, can take coercive steps. Sir, now, in 1109, more than forty years later, the Select Committee of this House propose that such powers may be exercised by the agents of the Chiefs. And such extraordinary powers are conferred only on the Poonjar and Vanjipuzha Chiefs and not on the agents of the Kilimanur and Edappalli Edavagais. Sir, I am at a loss to understand why such a distinction should be made. Sir, it is far from my object to suggest that these powers should be conferred on the agents of the Kilimanur and Edappalli Edavagais also. We should have in the present Bill only the same provisions as we have in the 1068 Regulation.

In this connection, I may refer to the debate in the Legislative Council on a former occasion when those powers were sought to be conferred on the Sripadom officers. Sripadom certainly stands on a *much* higher footing than these Edavagais. Sir, you may know that that is the Estate of the Ranis of Attingal now under the control of Her Highness the Senior Maha Rani. The Council then raised serious objection to these powers being conferred on the Sri-Padom officers; and although by a narrow majority, the Bill passed the second reading in the Council, Government wisely refrained from further proceeding with it and dropped it. That Bill never came up for the third reading, although it is now more than two years since the second reading is over. I am aware of the provision, Sir, in the present Select Committee Bill that the officers who are to exercise these coercive powers under this Bill must be officers lent by the Government. But it makes no difference. So long as they are under the Chief they are his officers. I do not suppose that Government would be interfering with them, so long as they are working as the Chief's servants.

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Then, Sir, in the Land Conservancy Regulation, there is provision to evict unauthorised occupiers of Sirkar lands. That provision is now sought to be made applicable to the lands in Edavagais. A similar attempt was made in the former Legislative Council in 1097 to extend the application of that Regulation to the Edavagais of Kilimanur and Edappalli. The Council did not even accept the principle of the Bill, and it was thrown out. That provision also now finds a place in this Bill.

Then again, Sir, as a consequence of the introduction of the provision for levy of *taravila*, several changes had to be made in the Bill; and the Bill, as admitted by the majority Report itself, is now practically a new one. It is a matter of common knowledge that every new Bill, *after* its principles are considered by this House, must go to a Select Committee. I submit the principles of this Bill, as now revised, have not yet been discussed and accepted by this House. I beg to submit that, if the second reading of this Bill is now proceeded with, we would in effect, be violating the provisions of the law which definitely lays down that, before the second reading, the general principles of every Bill must first be discussed and accepted by this House.

PRESIDENT: Are you likely to take more time, Mr. Thanu Pillai?

MR. A. THANU PILLAI (*Trivandrum—Rural*): I require some more time, Sir.

PRESIDENT: Then, we will adjourn now.

The Assembly adjourned at 4-31 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

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